



Entered on Docket
February 17, 2010

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING OBJECTION OF
USACM TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART, UPON
INVESTMENT IN I-40 GATEWAY WEST
LOAN (EXCEPT AS TO PREMIERE
HOLDINGS INC.'S PROOF OF CLAIM)**

Hearing Date: February 5, 2010
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Objection of USACM Trust to Proofs of Claim,
2 Based, in Whole or in Part, Upon Investment in I-40 Gateway West Loan (the “I-40
3 Gateway Loan”).[DE 7915] (the “Objection”); the Court having heard the Objection on
4 February 5, 2010; appropriate notice of the Objection having been given; no response to
5 the Objection having been filed; and good cause appearing:

6 **IT IS ORDERED** that:

7 1. The Objection [DE 7915] (except as to Premiere Holdings, Inc.) is
8 sustained;

9 2. The objection to Proof of Claim No. 10725-01277 filed by Premiere
10 Holdings Inc. Defined Benefit Pension is continued to March 17, 2010 at 9:30 a.m.

11 3. The claims listed on **Exhibit A** attached are disallowed to the extent those
12 claims are based upon investments in the I-40 Gateway Loan because the individual
13 investors were paid in full on their investments in the I-40 Gateway Loan.

14 4. The claims listed on Exhibit A are not affected by this order to the extent
15 they are based upon an investment in another loan.

16 PREPARED AND RESPECTFULLY SUBMITTED BY:

17 **LEWIS AND ROCA LLP**

18
19 By /s/ John Hinderaker (018024)
20 Rob Charles
21 John Hinderaker (*pro hac vice*)
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26

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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
 Rob Charles
 John Hinderaker (*pro hac vice*)
 Attorneys for USACM Liquidating Trust

USACM TRUST
PAID LOAN OBJECTIONS

MULTIPLE LOAN CLAIMS
I-40 GATEWAY WEST

Exhibit A

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the I-40 Gateway Loan
10725-01277	Premiere Holdings Inc Defined Benefit Pen Plan & T	C/O Scott D Fleming Esq Hale Lane Peek Den. & Howard 3090 Howard Hughes Pky 4FL Las Vegas, NV 89169 NEW ADDRESS: Premiere Holdings Inc. Defined Benefit Plan & T 10120 W. Flamingo, Suite 4-12, Las Vegas, Nevada 89147	\$ 380,000.00	\$ 50,000.00
10725-01408	Alexander Ind & As Trustees, Stanley & Florence	P.O. Box 95144 Longwood, FL 32779	\$ 400,000.00	\$ 13,250.00